

R E M A R K S

Claims 1-28 are now in this Application, and are presented for the Examiner's consideration.

Request for One Month Extension of Time

Applicant hereby requests that the period for responding to the Office Action mailed October 15, 2003, set to expire on January 15, 2003, be extended by ONE (1) month, so as to expire February 17, 2004, which is the Tuesday following a federal holiday in which the Patent Office was closed. Applicant is a large entity.

Please charge Deposit Account No. 07-1524 in the amount of \$110.00 to cover the requested one month extension.

Drawings

As to the objection to the drawings, new formal drawings will be submitted upon allowance of the application.

Allowable Subject Matter

Claims 9 and 19 were indicated as being allowable if rewritten in independent form.

However, in view of the amendments and arguments made herein, it is submitted that the broader claims are now allowable, as well as claims 9 and 19 which depend therefrom.

Prior Art Rejections

Claims 1-7 and 12-16 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2003/0015105 to Dewig et al.

However, applicant invented the subject matter long before the effective date of July 19, 2001 of Dewig et al, and specifically, applicant conceived of the present invention long before the effective date of July 19, 2001 of Dewig et al, followed by reduction to practice, with due diligence between this conception and reduction to practice.

In this regard, enclosed is a Declaration by the inventor under 37 C.F.R. §1.131, swearing behind the Dewig et al reference, thereby removing Dewig et al as a prior art reference against the present application.

The Declaration makes it clear, by unequivocal evidence, that the applicant herein, conceived the invention more than one year before the July 19, 2002 filing date of Dewig et al, and reduced the invention to practice, with due diligence between the conception and reduction to practice.

For this reason, it is submitted that Dewig et al no longer constitutes a prior art reference against the present application.

Accordingly, it is respectfully submitted that the rejection of claim 1-7 and 12-16 under 35 U.S.C. §102(e), has been overcome.

Claims 7, 11 and 17 were rejected under 35 U.S.C. §103(a) as being obvious from Dewig et al in view of U.S. Patent No. 5,232,540 to Southwell et al.

The remarks made above in regard to Dewig et al are incorporated herein.

Southwell et al was merely cited for disclosing an automatic labeling machine with a label application platen 75 that moves relative to the item being labeled.

However, Dewig et al is no longer prior art against the present application. Southwell et al fails to disclose or even remotely suggest the application of a label to a container at the same position that the container is being printed on a printing machine.

Therefore, Southwell et al fails to disclose or even remotely suggest this essential limitation, which is recited in the independent claims. Since Dewig et al is removed as a prior art reference, Southwell et al fails to fill the gap left by Dewig et al.

Accordingly, it is respectfully submitted that the rejection of claim 7, 11 and 17 under 35 U.S.C. §103(a), has been overcome.

Claims 8, 10, 18 and 20 were rejected under 35 U.S.C. §103(a) as being obvious from Dewig et al in view of U.S. Patent No. 5,232,540 to Southwell et al, and further in view of U.S. Patent No. 6,006,808 to Ewert et al.

The remarks previously made above in regard to Dewig et al and Southwell et al are incorporated herein.

Ewert was cited for disclosing the angular adjustment means in the form of springs 44.

However, Dewig et al is no longer prior art against the present application. Ewert et al and Southwell et al fail to disclose or even remotely suggest the application of a label to a container at the same position that the container is being printed on a printing machine.

Therefore, Ewert et al and Southwell et al fail to disclose or even remotely suggest this essential limitation, which is recited in the independent claims. Since Dewig et al is removed as a prior art reference, Ewert et al and Southwell et al fail to fill the gap left by Dewig et al.

Accordingly, it is respectfully submitted that the rejection of claim 8, 10, 18 and 20 under 35 U.S.C. §103(a), has been overcome.

New Claims

New claims 21-28 have been added for applicant to claim the full scope of the invention.

Since there are now a total of 7 independent claims and 28 total claims, please charge the additional claim fee of \$488.00 to Deposit Account No. 07-1524.

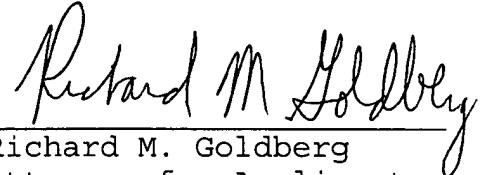
If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper, to Account No. 07-1524.

The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1524.

In view of the foregoing amendments and remarks, it is respectfully submitted that Claims 1-28 are allowable, and early and favorable consideration thereof is solicited.

Respectfully submitted,

  
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enclosures: Declaration under 37 C.F.R. §1.131, and attachments